

**Report by:** Acting Head of Personnel

**To:** COMMERCIAL & HUMAN RESOURCES SCRUTINY COMMITTEE -  
29 OCTOBER 2002

**Wards:** None directly affected

## **TRADE UNION FACILITY AGREEMENT**

This report is being submitted to the Commercial & Human Resources Scrutiny Committee for prior consideration and comment before decision by the Executive Councillor.

### **1 DECISION TO BE MADE**

For the Commercial & Human Resources Scrutiny Committee to consider the funding arrangements for the trade union Branch Secretaries for Unison and GMB for the 2003/04 financial year.

### **2. RECOMMENDATIONS**

The Scrutiny Committee is requested to consider the level of funding for the Trade Union Branch Secretaries for Unison and GMB in 2003/04. The Executive Councillor is asked to agree the level of funding subject to the 2003/04 Budget being approved in February 2003.

### **3. BACKGROUND**

3.1 The Council's Staff Panel (the predecessor of the Joint Staff Employer Forum) adopted a Trade Union Facility Agreement in September 1988 between Cambridge City Council and the trade unions NALGO (now UNISON), GMB and UCATT.

3.2 The agreement is based on existing legislation contained in Section 178(2) of the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRECA) and the guidelines established in the ACAS Code of Practice on time off for trade union duties and activities. The City Council's Trade Union Facility Agreement clarifies the arrangements for recognition of the Branch Secretaries for UNISON and GMB and union stewards. It also defines the facilities available to them and specifies the provisions regarding time off for duties concerned with industrial relations activities and training.

- 3.3 The Branch Secretary posts are accountable to the Joint Staff Employer Forum and the Head of Personnel monitors their time. The posts are reviewed annually previously by City Board now Commercial and Human Resources Scrutiny Committee.
- 3.4 The agreement stipulates that the contractual terms and conditions of employment of individuals elected to the post of Branch Secretary will be protected during their appointment and that they have the right to return to their substantive posts if funding is withdrawn or someone else is elected.
- 3.5 Council policy has changed over the years. From 1989/90 until 1995/6 both posts were funded on a full time basis. In 1996/7 when there was a change of political control both posts were reduced to a 50% basis. For 1997/8 and 1998/9 the decision was to fund the UNISON Branch secretary on a full-time basis and to fund the GMB Branch Secretary on a half-time basis. Both posts were funded on a full-time basis in 1999/2000. For 2001/2002 City Board agreed to fund the GMB Branch Secretary on a full-time basis in view of the changes being implemented to service delivery for Environmental Services. The arrangement for full-time funding of the GMB Branch Secretary and half-time funding for UNISON was agreed for 2002/2003. There was also a proposal from the Liberal Democrats for 2002/2003 to introduce a post of Union Convener, which was discussed with the Trade Unions, but not supported by them.

#### 4.0 **MEMBERSHIP**

- 4.1 The number of employees and therefore potential trade union membership as at 1 September 2002 is 1,244 compared with 1,225 as at 1 September 2001 and 1,201 at September 2000.

UNISON represents employees in all departments of the Council. GMB principally represents front line employees, including City Services operatives, housing caretakers, staff at Ditchburn Place, Cambridge Parkside Pools and in the car parks, with small numbers of staff represented elsewhere across the Council. UCATT currently represents a small number of craft employees working at City Services.

- 4.2 Membership numbers as at 1<sup>st</sup> September 2002, based on employees paying union subscriptions through City Council payroll are as follows, together with a comparison of members for the same date in 2000 and 2001:

	2000	2001	2002
GMB members	450	391	309
UNISON members	439	385	378
UCATT members	14	5	10

This demonstrates that at least 56% of the workforce are members of the recognised trade unions.

## 5.0 **COSTS & FUNDING**

- 5.1 The cost of employing both Branch Secretaries on a full-time basis is estimated to be £65,390 in 2003/04: £38,540 for UNISON and £27,050 for GMB. The estimated cost on a half-time basis is £33,490 : £19,990 for UNISON and £13,500 for GMB. In view of their small number, UCATT members are represented by a shop steward or by the full-time regional officer and the Council provides no specific funding for facility time. UNISON and GMB have the option to provide their own funding to meet any reduction in facility time if they wish to do so.
- 5.2 The cost of the Unison Branch Secretary is initially charged to corporate management costs and then recharged to departments based on the number of staff they employ. GMB costs are recharged on the basis of numbers of front line operational staff employed (which includes staff employed in City Services, Central Services, Community Services and Environment & Planning).
- 5.3 If the Branch Secretaries continue to be funded by the Council, whether this is on a part or full-time basis, then the cost will be split between the General Fund (including City Services) and the Housing Revenue Account. Costs are recharged to departments on the basis of the number of staff employed and the trade union most likely to represent them.

This means that the cost of the UNISON Branch Secretary is charged to all departments/funds, whereas the costs of the GMB Branch Secretary are met from four departments on the basis of a time allocation for the previous financial year. City Services pays the vast majority of the costs, whilst Central Services, Community Services and Environment & Planning receive recharges. The level of funding for GMB on a full-time basis will require a bid for £3,520 in 2003/04.

## 6.0 **MONITORING PROCESS**

- 6.1 Both Branch Secretaries are expected to keep records of how they spend their time on different trade union activities and for each department or the Council as whole. For GMB the activity data shows an increase in the proportion of time spent on case work (eg. disciplinary, capability) in support for individual cases. There has been a proportionate decrease in activity in the area of Best Value.

The analysis of time for the Branch Secretaries is shown according to type of activity and by department (see Appendices 1 and 2). For GMB the breakdown for 2001/2002 as compared to 2000/2001 is available. The Unison breakdown covers 2000/2001.

## 7.0 **GENERAL COMMENTS RELATED TO BOTH BRANCH SECRETARIES**

- 7.1 Both Branch Secretaries are involved in regular meetings on corporate issues, for example, on Best Value, Single Status (including job evaluation) and equal opportunities and attend regular meetings with the Head of Personnel.

The outcome of the job evaluation process and the future pay structure are due to be reported at the end of current financial year to fit in with the budget process.

Work is continuing across the organisation to apply the principles of the National Single Status Agreement, involving regular meetings with both Branch Secretaries.

A significant time commitment will continue to be required from both Branch Secretaries, shop stewards and management during the 2003/4 financial year.

- 7.2 We are reaching a critical point in the job evaluation process which will require ongoing need for the Branch Secretaries in evaluations, the scrutiny process, negotiations with management on single status issues including rationalisation of allowances and the new pay structure. When the pay structure is implemented there will be the need for the Branch Secretaries involvement in the appeals process. This will be in addition to their work on the outcomes of the Best Value reviews and tendering and support in relation to discipline, grievance and capability issues.
- 7.3 The outcome of the Best Value Fundamental Service Reviews for a number of services, such as Revenues Services and Sports Services will be reported in this financial year. It is possible that future service delivery options identified when reviews are concluded may require major change to be implemented and the involvement of the Branch Secretaries in achieving this will be crucial. The Pools Service will also be re-tendered this financial year and re-let next financial year subject to Committee approval and the Branch Secretaries would also need to be involved if that were to proceed.

The availability of the Branch Secretaries to support these processes reduces the need to involve local stewards, enables a more strategic view to be taken and impacts less on current service delivery as a result of time away from the job. In anticipation of the levels of change likely to be precipitated by Best Value, albeit the impact of individual service reviews remains at this stage uncertain, managers are concerned that the level of funding of the Branch Secretaries should not be eroded, as there are risks that negotiations will take longer and also affect service provision if other shop stewards need to become involved on a regular basis.

- 7.4 Throughout 2002/03 the unions have demonstrated their commitment to working in partnership with management to achieve mutually acceptable goals. They have been helpful in progressing the national Single Status agreement within City Services. In addition, City Services have continued to reap the benefits of stable industrial relations throughout a period of further changes/restructuring. The enhanced role of City Services as service provider has required many posts to be redesigned to reflect a changing role. The trade unions have supported the involvement of employee representatives in Best Value focus groups. Their input has continued to assist in the improvement and development of services, for example in Streetscene with area working, the Rangers' Service and recycling.

## 8.0 **GMB BRANCH SECRETARY**

### **Management Comments**

- 8.1 Based on the number of employees who pay their subscriptions directly from their salary, 67% of City Services employees are GMB members and 8% are

members of UNISON. The union status of 25% of City Services staff is unknown. The GMB Branch Secretary has indicated that he represents 418 members across the City Council. Seven shop stewards who assist him by, for example, representing individual employees at meetings when he is not available, support the GMB Branch secretary.

- 8.2 GMB continues to work closely with City Services management to ensure that corporate and business plan targets are met. The overall absence rate in City Services stands at 8.1 days per employee for 2001/02 and for 2002/03 is demonstrating a decreasing trend to 7.3 days per employee based on the annual projection using data available to date.
- 8.3 In the early part of 2003 job evaluation results will be communicated to employees. For 80% of jobs in City Services this will be the first time that they have been evaluated. The outcome will need to be managed sensitively, as issues of bonus payments, allowances and other enhancements will require resolution.
- 8.4 With the Council moving towards market testing of housing repairs, Streetscene and Waste Management in 2003 and the re-tendering of building cleaning in 2002, extensive detailed negotiations will be required. Given the nature of the work at City Services and the potential for industrial relations issues to flare up at short notice with direct impact on services to the public, the current full time arrangement enables management to resolve situations quickly and effectively. Once the process of carrying out job evaluation is completed, however, it is anticipated that lost time could be minimised by a reduction in the use of shop stewards.
- 8.5 As well as staff at City Services, the GMB Branch Secretary represents employees in other departments such as the Housing Caretakers, staff at Ditchburn Place and community centres, Parkside Pools and Car Parks' employees. In some areas there are departmental shop stewards, who tend to deal with the day to day issues, depending on their experience and the availability of the Branch Secretary. However the Branch Secretary is involved in more difficult cases.
- 8.6 Under the terms of the Facilities Agreement the current GMB Branch Secretary has the right to return to his substantive post of Plasterer if the decision is taken to reduce the facility time. This would present operational difficulties in him undertaking plastering services on a part-time basis, as the vast majority is done through the housing repair appointment system where it is difficult to quantify in advance the volume of work required. At the very least, the arrangements would need to be one week on union duties and one week at work, to minimise the inherent inefficiencies that this type of arrangement produces. It would also need to be managed extremely carefully to avoid the equivalent of full-time costs being incurred by City Services through the deployment of other shop stewards in the absence of the Branch Secretary during the week when he would be working in his substantive post. If this is not done, it would cost the equivalent of a full time post but with inferior results.
- 8.7 Comments from GMB Branch Secretary are attached as Appendix 3.

## 9.0 UNISON BRANCH SECRETARY

### Management Comments

9.1 Based on the number of employees who pay their subscriptions directly from their salary, Unison represents 40% of the remaining workforce (ie. workforce less GMB represented employees).

9.2 Feedback from directors and managers is that the part time (50%) arrangements during 2002/3 are continuing to raise the following issues:-

- the limited availability of the Unison Branch Secretary at the same time as the GMB Branch Secretary has sometimes caused delays in resolving some employee relations issues where both unions need to be consulted;
- the Branch Secretary deals in the main with the complex and time consuming staffing issues that occur across all departments, and as a result the amount of time spent by departmental stewards on trade union activities has increased considerably, particularly for job evaluation;
- departmental staff management forums are organised on a regular basis. This benefits management in terms of starting the consultation process at the earliest opportunity when dealing with staffing issues, restructuring proposals etc. Where there are active departmental representatives they have been able to continue, however the forums have not taken place in some departments due to the limited availability of the Branch Secretary. This may be storing up issues which may otherwise have been resolved through regular discussion;
- the Branch Secretary's involvement in individual and corporate issues on a part-time basis inevitably means that negotiation and resolution of issues is at a slower pace, and this impacts on the implementation of single status, as Unison is the lead negotiator for this in the Council. Members have agreed, for 2002/03, for an additional day per week facility time for Unison for a period of 6 months, to maintain the momentum in the Job Evaluation scrutiny process. This time is divided between 2 stewards.
- there have been delays in resolving individual employee relations issues due to the limited availability of the Branch Secretary, especially where the complexity of the issue necessitates his involvement rather than that of a departmental steward. Sometimes less experienced shop stewards involvement has delayed resolution of individual issues and has resulted in increasing involvement of full-time Unison officers.
- the Unison Branch Secretary has made a very positive contribution on health and safety matters through membership of the Joint Health and Safety Committee and his role in training over a number of years. However last year he had to withdraw completely from the Health and Safety Committee because of time constraints.

9.3 If members decide to continue with a part-time arrangement, the Unison Branch Secretary would have the right to continue to work, on a part-time basis, in his substantive position as an Environmental Health Officer.

9.4 Comment from the Unison Branch Secretary are attached as Appendix 4.

## CONSULTATIONS

Consultation took place with relevant directors and managers and the Branch Secretaries of Unison and GMB prior to the report being considered by the Joint Staff Employer Forum on 24<sup>th</sup> October 2002.

## OPTIONS

There are a number of options for members to consider

- Continue funding as at present (2002/03) – GMB full-time, Unison 50%
- Reduce the funding to a part-time basis for both unions
- Members may wish to consider whether in 2003/04 there needs to be a special arrangement for full-time funding for both GMB and Unison if it is felt that there is likely to be an exceptional workload in that year.

## REASONS FOR DECISION

It is in the Council's interest to have a Facility Agreement with the Trade Unions to facilitate consultation and negotiation on staffing issues, particularly when there is ongoing organisational change and the forthcoming major negotiations over a new pay structure for the Council. Members need to consider whether they are willing to provide funding for a full-time or part-time Branch Secretary for each of the main trade unions (GMB & Unison) in 2003/04.

## IMPLICATIONS

- (a) **Financial Implications** – These are covered in the body of the report.
- (b) **Staffing Implications** – There are no staffing implications.
- (c) **Equal Opportunities Implications** – The Trade Unions have a key role in supporting the Council's policy on equal opportunities in employment. Their involvement in drawing up and implementing personnel policies and practices ensure that equal opportunities considerations are taken account of at all times.
- (d) **Environmental Implications** – There are no environmental implications contained in this report.
- (e) **Community Safety Implications** – There are no community safety implications contained in this report.

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